

Message Text

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PAGE 01 DAMASC 04944 01 OF 02 241341Z
ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 TRSE-00 L-03 CIAE-00 COME-00
EB-08 INR-10 LAB-04 NSAE-00 SIL-01 SAA-01 SES-02
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FM AMEMBASSY DAMASCUS
TO SECSTATE WASHDC 9370

C O N F I D E N T I A L SECTION 01 OF 02 DAMASCUS 04944

E.O. 11652: GDS
TAGS: SHUM, SY
SUBJECT: HUMAN RIGHTS IN SYRIA

REF: DAMASCUS A-29, STATE 212848

1. SUMMARY: INDICATIONS, ADDITIONAL TO THOSE REPORTED IN REF AIRGRAM, OF SYRIAN HUMAN RIGHTS PRACTICES HAVE ONLY RECENTLY SURFACED AND SHOULD BE TAKEN INTO ACCOUNT WHEN CONSIDERING THE OVERALL PICTURE. SYRIA, IN AN ARTICLE PUBLISHED IN THE POLICE MONTHLY, ADMITS TO THE INDIVIDUAL USE OF COERCION TO EXTRACT CONFESSIONS, CLEARLY LABELS IT A CRIME, AND DISCUSSES WAYS OF ELIMINATING IT. IN ADDITION, SYRIAN TROOPS WHICH CARRIED OUT EXTENSIVE HOUSE-TO-HOUSE SEARCHES AFTER THE MOST RECENT ASSASSINATION DID NOT RESORT TO MARTIAL LAW BUT OBTAINED SEARCH WARRANTS IN ALL CASES. BOTH DEVELOPMENTS ARE UNIQUE FOR SYRIA AND A GOOD INDICATION OF THE DIRECTION SYRIA IS MOVING IN SPITE OF ITS WARTS. END SUMMARY.

2. ARTICLE 391 OF THE SYRIAN PENAL CODE STIPULATES THAT "WHOSOEVER PUNISHES A PERSON WITH TYPES OF SEVERITY CONTRARY TO THE LAW FROM A DESIRE TO OBTAIN FROM THAT PERSON A CONFESSION OF A CRIME OR INFORMATION CONNECTED THEREWITH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 DAMASC 04944 01 OF 02 241341Z

SHALL BE PUNISHED BY IMPRISONMENT FROM THREE MONTHS TO THREE YEARS. IN CASE THE ACTS OF VIOLENCE ON THAT PERSON LED TO MALADY OR INJURY THE LEAST PUNISHMENT SHALL BE IMPRISONMENT FOR ONE YEAR."

3. WE HAVE NO IDEA HOW MANY INDIVIDUALS HAVE BEEN PROSECUTED UNDER THE ABOVE LAW AND GIVEN THE DEARTH OF ACCESS

WE HAVE TO THE SECURITY SERVICES AND SECURITY COURTS WE ARE UNLIKELY TO FIND OUT.

4. NEVERTHELESS, IT IS INDICATIVE OF DEVELOPING SYRIAN ATTITUDE TOWARD TORTURE IN THE PARTY AND THE LEGAL PROFESSIONS THAT THE JUNE ISSUE OF THE SYRIAN POLICE JOURNAL PUBLISHED BY THE MINISTRY OF INTERIOR CARRIED A LONG ARTICLE ENTITLED "CRIME OF TORTURING THE ACCUSED TO COERCE HIM INTO CONFESSION." AS DEPARTMENT IS AWARE AN ARTICLE OF THIS NATURE COULD NOT BE PUBLISHED IN SYRIA WITHOUT APPROVAL FROM THE HIGHEST AUTHORITIES.

5. THE ARTICLE MAINTAINS: "HUMAN DIGNITY IS ABOVE ALL OTHER CONSIDERATIONS AND OFFENDING THIS DIGNITY IS CONTRARY TO THE PRINCIPLES OF OUR REVOLUTION. SINCE THIS OFFENSE REFLECTS ON PUBLIC SECURITY AS A RESULT OF DETERIORATION OF TIES BETWEEN THE PEOPLE AND POLICEMEN, IT IS NECESSARY TO USE MODERN METHODS TO DISCOVER CRIMES AND TO BRUSH ASIDE THE VIOLENT METHODS WHICH ARE STILL BEING USED BY SOME MEN OF CRIMINAL INVESTIGATION AND OTHER SETUPS."

6. THE ARTICLE MAKES THE ASTOUNDING ADMISSION (FOR SYRIA): "WE DO NOT EXAGGERATE IF WE FRANKLY SAY THAT SOME POLICEMEN TEND TO BELIEVE IN METHODS OF TORTURE IN ORDER TO ACHIEVE GREAT RESULTS IN THE SEARCH FOR CRIME. THIS IS DUE TO AN ATTEMPT TO CONCEAL THEIR INEFFICIENCY AND SHORTCOMINGS IN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 DAMASC 04944 01 OF 02 241341Z

THE INVESTIGATION. WITH DUE RESPECT TO POLICEMEN, SOME OF THEM UNFORTUNATELY TEND TO USE VIOLENCE WITH THE ACCUSED SO THAT THEY WILL CONFESS CERTAIN FACTS WHETHER COMMITTED BY THE ACCUSED OR OTHERWISE AND THIS IS OFTEN DONE OUT OF IDLENESS OR IGNORANCE OF RULES OF INQUIRY AND INVESTIGATION."

7. THE ARTICLE POINTS OUT THAT TORTURE LEADS TO FALSE CONFESSIONS AND CLAIMS THAT TO CURTAIL THESE PRACTICES THE LAW AGAINST TORTURE IS NOT ENOUGH. IN ADDITION, JURISTS HAVE COMMITTED THEMSELVES TO A POLICY OF EITHER THROWING OUT CONFESSIONS WHERE COERCION IS SUSPECTED OR REFUSING TO ACCEPT ANY CONFESSION NOT MADE BEFORE THE JUDGE IN COURT. (BOTH PRACTICES ARE CURRENTLY IN USE ACCORDING TO OUR JUDICIAL SOURCES.) THE ARTICLE FURTHER STATES THAT PUBLIC OPINION IS THE ONLY ULTIMATE SAFEGUARD AGAINST SUCH PRACTICES AND THE STATE MUST WORK TO CREATE SUCH A REFINED, WELL-EDUCATED OPINION.

8. IN ANOTHER AREA, ILLEGAL SEARCH AND SEIZURE, THE SYRIAN AUTHORITIES SURPRISINGLY DID NOT RESORT TO MARTIAL LAW IN CONDUCTING WIDE-SCALE HOUSE-TO-HOUSE SEARCHES IN THE AFTER-

MATH OF THE ASSASSINATION OF SECURITY OFFICIAL AHMAD KHALIL AUGUST 10. INSTEAD, WE ARE TOLD, AUTHORITIES WENT THROUGH THE NORMAL LEGAL PROCESS OF OBTAINING A JUDICIAL WARRANT FOR THE SEARCH OF EVERY HOUSE ENTERED. THIS WAS IN CONFORMITY WITH PRESIDENT AL-ASSAD'S ORDERS TO CURTAIL ABUSES OF MARTIAL LAW. IN INDIVIDUAL CASES THE SEARCHES WERE CARRIED OUT WITH LITTLE RESPECT FOR THE INDIVIDUALS OR PROPERTY, BUT SUCH ACTION, ACCORDING TO ONE POLICE OFFICER INVOLVED, WAS CONTRARY TO THE ORDERS OF THE RESPONSIBLE AUTHORITY.

9. BOTH OF THE ABOVE INDICATIONS ARE ENCOURAGING SIGNS

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PAGE 01 DAMASC 04944 02 OF 02 241332Z
ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 TRSE-00 L-03 CIAE-00 COME-00
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C O N F I D E N T I A L SECTION 02 OF 02 DAMASCUS 04944

WHICH TEND TO DEMONSTRATE SYRIA'S CONSISTENT, EVEN IF SLOW,
PROGRESS IN THE FIELD OF HUMAN RIGHTS. SEELYE

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